

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FILED  
IN CLERKS OFFICE  
2004 JAN 13 AM 12

U.S. DISTRICT COURT  
DISTRICT OF MASS.

NATIONAL RAILROAD PASSENGER  
CORPORATION,  
Plaintiff,

v.

5,103 SQUARE FEET OF LAND,  
LOCATED AT 40-46 HARVARD  
STREET, SITUATED IN WESTWOOD,  
MASSACHUSETTS; MORTIMER B.  
ZUCKERMAN AND EDWARD H. LINDE,  
TRUSTEES OF THE 40-46 HARVARD  
STREET TRUST, OWNERS; AND  
UNKNOWN OTHER,  
Defendants.

03cv 12440DPW

**MORTIMER B. ZUCKERMAN AND**  
**EDWARD H. LINDE, TRUSTEES OF THE 40-46**  
**HARVARD TRUST, DEMAND FOR TRIAL BY JURY**

Mortimer B. Zuckerman and Edward H. Linde, Trustees of the 40-46 Harvard Street Trust hereby demand a trial by jury of the issue of just compensation to be paid on account of the taking of their property or an interest in their property by the National Railroad Passenger Corporation.

Respectfully submitted,

Defendants,

**Mortimer B. Zuckerman and Edward H. Linde,**  
**Trustees of the 40-46 Harvard Street Trust**

by their attorney,



Neal C. Tully BBO # 504280

Masterman, Culbert & Tully LLP

One Lewis Wharf

Boston, MA 02110


(617) 227-8010

Dated: January 12, 2004

**CERTIFICATE OF SERVICE**

I, Kevin T. Smith, hereby certify that, on this date, I served a copy of the Motion, by first class mail, postage prepaid, to the following counsel of record:

Eric W. Wodlinger, Esquire  
**Choate, Hall & Stewart**  
Exchange Place  
53 State Street  
Boston, MA 02109

  
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Neal C. Tully

January 12<sup>th</sup>, 2004